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9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-837*

13 **XIAOHONG CAO**  
14 **9310 Maduro LN #F**  
**Atascadero, CA 93422**

**A C C U S A T I O N**

15 **Registered Nurse License No. 698950**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On March 1, 2007, the Board of Registered Nursing issued Registered Nurse  
24 License Number 698950 to Xiaohong Cao (Respondent). The Registered Nurse License was in  
25 full force and effect at all times relevant to the charges brought herein and will expire on March  
26 31, 2015, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Registered Nursing (Board),  
3 Department of Consumer Affairs, under the authority of the following laws. All section  
4 references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent  
6 part, that the Board may discipline any licensee, including a licensee holding a temporary or an  
7 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
8 Nursing Practice Act.

9 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a  
10 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
11 against the licensee or to render a decision imposing discipline on the license. Under section  
12 2811, subdivision (b) of the Code, the Board may renew an expired license at any time.

13 **STATUTORY PROVISIONS**

14 6. Section 2761 of the Code states:

15 The board may take disciplinary action against a certified or licensed  
16 nurse or deny an application for a certificate or license for any of the following:

17 (a) Unprofessional conduct, which includes, but is not limited to, the  
18 following:

19 . . . .

20 (4) Denial of licensure, revocation, suspension, restriction, or any other  
21 disciplinary action against a health care professional license or certificate by another state  
22 or territory of the United States, by any other government agency, or by another  
23 California health care professional licensing board. A certified copy of the decision or  
24 judgment shall be conclusive evidence of that action.

25 . . . .

26 **COST RECOVERY**

27 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request  
28 the administrative law judge to direct a licentiate found to have committed a violation or  
violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
and enforcement of the case, with failure of the licentiate to comply subjecting the license to not  
being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs  
may be included in a stipulated settlement.

1 **CAUSE FOR DISCIPLINE**

2 **(Texas - Out of State Discipline)**

3 8. Respondent has subjected her Registered Nurse License to disciplinary action  
4 under Code section 2761, subdivision (a)(4), in that her Texas registered nurse license was  
5 disciplined pursuant to Texas Occupation Code (TOC), section 301.452, subdivision (b), by the  
6 State of Texas Board of Nursing (Texas Board) in a disciplinary action, which resulted in  
7 Respondent receiving a sanction of a WARNING WITH STIPULATIONS against her license to  
8 practice professional nursing in the State of Texas. The circumstances are as follows.

9 9. Respondent is a Registered Nurse holding Registered Nurse License number  
10 767585 issued by the Texas Board, which was in current status and in full force and effect at all  
11 times relevant to the charges brought.

12 10. On May 21, 2012, pursuant to TOC section 301.451-301.555, the Disciplinary  
13 Committee of the Texas Board entered a disciplinary action against Respondent's registered  
14 nurse license in a matter entitled, *In the Matter of Registered Nurse License Number 767585*  
15 *Issued to XIAHONG CAO*, by entering an AGREED ORDER sanctioning Respondent with a  
16 WARNING WITH STIPULATIONS against her privilege to practice professional nursing in the  
17 State of Texas.

18 11. The facts that led to the discipline are as follows. During July 9, 2010 through  
19 August 3, 2010, while utilizing Respondent's Registered Nurse License issued by the Texas  
20 Board to practice professional nursing in the State of Texas, and employed as a staff nurse with  
21 Medical Center Hospital in Odessa, Texas, Respondent failed to practice safely in that she lacked  
22 the basic knowledge regarding medications and patient care; was unable to pass the medication  
23 administration examination in two attempts; did not know the simple terminology for patient  
24 care; was unable to name medications, reasons for administration of the medication, and the side  
25 effects to observe in patients; was precepted by three different staff, all of whom had concerns  
26 regarding her knowledge, training, and experience; and patients requested that Respondent be  
27 kept out of their room. Respondent's conduct exposed the patients unnecessarily to a risk of  
28 harm from improper interventions, which constitutes grounds for disciplinary action in

1 accordance with TOC section 301.452, subdivision (b)(10) and subdivision (b)(13), and is a  
2 violation of title 22 Texas Administrative Code (TAC) section 217.11, subdivision (1)(A),  
3 subdivision (1)(C), subdivision (1)(R), and subdivision (1)(T), and title 22 TAC section 217.12,  
4 subdivision (1)(A) and subdivision (1)(E).

5 12. On July 19, 2012, the Texas Board ratified and adopted the AGREED ORDER as  
6 its order in resolution of the disciplinary action. In the Order, Respondent's license to practice as  
7 a registered nurse in the State of Texas was sanctioned with a warning and subjected to  
8 stipulations. While Respondent's license was encumbered, Respondent was required to comply  
9 with all terms and conditions of the Order.

10 **PRAYER**

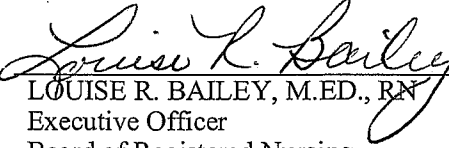
11 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
12 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

13 1. Revoking or suspending Registered Nurse License Number 698950, issued to  
14 Xiaohong Cao;

15 2. Ordering Xiaohong Cao to pay the Board of Registered Nursing the reasonable  
16 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
17 Code section 125.3;

18 3. Taking such other and further action as deemed necessary and proper.  
19  
20

21 DATED: March 27, 2013

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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